

March 5, 2020

APHIS Amends Lacey Act, Sets De Minimis

Dear Valued U.S. Import Customer,

On Monday, March 2, 2020, the U.S. Department of Agriculture, Animal and Plant Health Inspection Service (APHIS) published their final rule amending the Lacey Act and establishing an exception to the declaration requirement for imported products containing a minimum amount of plant material. APHIS regulates and enforces the importation of certain plant material under the Lacey Act.

The final rule revises the "Purpose and Scope," adds several new definitions for "Import," "Person," and "Taken" and revises the definition for "Plant." It also adds Section 357.3 "Declaration Requirement" and Section 357.4 "Exceptions from the Declaration Requirement." The exceptions for reporting plant material information are:

- Plant material used for packaging the imported product, unless the plant material is itself the imported product, and
- Plant material used in the imported product is no more than 5% of the total weight of the individual product unit, provided that the total weight of the plant material in an entry of products in the same 10-digit HTS classification does not exceed 2.9 kilograms.

Section 357.4 further clarifies that products are not eligible for the exception if the plant material is listed in an appendix to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), is covered under the Endangered Species Act of 1973, or covered under a State law that provides for the conservation of species indigenous to the State and threatened with extinction.

The new rule is effective April 1, 2020 at time of importation. Additional information can be found in the Federal Register notice [here](#).

Thank you for being our Valued Customer. If you have any questions, please do not hesitate to contact your C.H. Robinson commercial representative for further information.

Sincerely,
C.H. Robinson

Our information is compiled from a number of sources that to the best of our knowledge are accurate and correct. It is always the intent of our company to present accurate information. C.H. Robinson accepts no liability or responsibility for the information published herein.

